

To: Sugiyama, George[sugiyama.george@epa.gov]
From: Clint Woods
Sent: Wed 2/15/2017 3:33:36 PM
Subject: RE: State & Local Agency Comments on Recent Ozone Actions
Agenda and Compiled State Agency Comments - OIRA Meeting - Interstate Transport for 2008 Ozone NAAQS - 8-23-16.pdf

George,

Thanks so much! Absolutely – We have posted all state/local comments on the interstate transport rule and NODA for the 2008 ozone NAAQS here:
http://www.csg.org/aapca_site/news/CSAPRUpdateComments.aspx

Attached is a short compilation of several themes from our member comments which was provided to OIRA for an August 2016 stakeholder meeting during interagency review (ahead of the final CSAPR Update).

In addition, our members are looking to transmit feedback from AAPCA on the Preliminary Interstate Ozone Transport Modeling Data for the 2015 Ozone National Ambient Air Quality Standard in early March – This letter will likely raise several technical and policy concerns with this NODA, and ask EPA to conduct an updated and credible 2023 national modeling run, utilizing state inputs, by August 2017 in order to provide the technical analysis needed for states to meet the October 26, 2018 deadline for Good Neighbor SIPs.

Clint

From: Sugiyama, George [mailto:sugiyama.george@epa.gov]
Sent: Wednesday, February 15, 2017 10:24 AM
To: Clint Woods
Subject: RE: State & Local Agency Comments on Recent Ozone Actions

Clint this is excellent. Compilations of information are always welcome as they are difficult to produce. Have anything on the 2008 Ozone transport rule especially comments on modeling.

From: Clint Woods [<mailto:cwoods@csg.org>]
Sent: Wednesday, February 15, 2017 9:55 AM
To: Clint Woods <cwoods@csg.org>
Subject: State & Local Agency Comments on Recent Ozone Actions

In case it is helpful, the Association of Air Pollution Control Agencies is tracking and compiling state and local environmental agency comments on several recent ozone-related U.S. EPA proposals and notices, including:

- [State and local environmental agency comments on U.S. EPA's proposed rule, Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications and State Implementation Plan Requirements](#) (comment period ended 2/13/17; direct links to comments below);
- [Comments on U.S. EPA's proposed Response to December 9, 2013 CAA Section 176A Petition From Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont](#) (updated comment deadline: April 13, 2017); and
- [Comments on U.S. EPA's Preliminary Interstate Ozone Transport Modeling Data for the 2015 Ozone National Ambient Air Quality Standard](#) (comment deadline: April 6, 2017).

We will be updating these pages over the next several weeks with relevant comments from our members. As a reminder, AAPCA has also compiled [state designation recommendations for the 2015 ozone NAAQS](#), [state/local comments on the proposed 2015 revisions to the ozone NAAQS](#), [surveys of state perspectives on background ozone and the need for timely NAAQS implementation tools](#), as well a [timeline of state Clean Air Act deadlines through 2021](#). Below are direct links to relevant comments filed on the proposed SIP requirements rule for the 2015 ozone NAAQS ahead of Monday's comment deadline:

[State & Local Agency Comments on EPA's Proposed SIP Requirements Rule for the 2015 Ozone NAAQS](#)

(updated 2/14/2017)

State Comments

- [Georgia EPD](#)
- [Kentucky DEP](#)
- [Ohio EPA](#)
- [Nevada DEP](#)
- [North Carolina DEQ](#)
- [South Carolina DHEC](#)
- [Texas CEQ](#)
- [Virginia DEQ](#)
- [Wyoming DEQ](#)
- [California ARB](#)
- [Colorado DPHE](#)
- [Connecticut DEEP](#)
- [Maryland Department of the Environment](#)
- [Missouri DNR](#)
- [New Jersey DEP](#)
- [New Mexico Environment Department](#)
- [New York DEC](#)
- [Pennsylvania DEP](#)
- [Wisconsin DNR](#)

Local Agency Comments

- [Mojave Desert AQMD](#) (California)
- [San Joaquin Valley APCD](#) (California)
- [Antelope Valley AQMD](#) (California)
- [City of Phoenix OEP](#) (Arizona)
- [Feather River AQMD](#) (California)
- [Northern Sierra AQMD](#) (California)
- [Sacramento Metropolitan AQMD](#) (California)
- [South Coast AQMD](#) (California)
- [Ventura County APCD](#) (California)
- [Yuma County](#) (Arizona)

Other State Organizations

- On December 2, 2016, AAPCA submitted a [letter](#) requesting that U.S. EPA extend the comment period for the proposed rule.
- [Joint comments](#) by American Association of State Highway and Transportation Officials (AASHTO) and Association of Metropolitan Planning Organizations (AMPO)
- [Maricopa Association of Governments](#) (MAG)
- [Texas Department of Transportation](#) (TxDOT)
- Western States Air Resources Council (WESTAR)
- o [Comments](#) (2/13/2016)
- o [Public Hearing Testimony](#) (1/12/2017)

Thanks!

Clint Woods

Executive Director

Association of Air Pollution Control Agencies


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ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2017 SPRING MEETING

March 27-29 | Hilton Tucson East Hotel | Tucson, Arizona

To: Sugiyama, George[sugiyama.george@epa.gov]
From: Clint Woods
Sent: Thur 2/2/2017 3:59:04 PM
Subject: Interstate Transport SIP Disapprovals
Agenda and Compiled State Agency Comments - OIRA Meeting - Interstate Transport for 2008 Ozone NAAQS - 8-23-16.pdf

George,

I hope all is well! I have been meaning to reach out regarding some broader opportunities to connect our state and local air agency members with the team, but I wanted to flag one quick item for you this morning. In tomorrow's Federal Register, EPA is publishing several approvals/disapprovals of western state infrastructure SIP "good neighbor" elements b/c of CSAPR Update modeling (even though these states are not covered by CSAPR or the CSAPR Update). Wyoming has some serious concerns with this final rule (signed 1/17/17) and may be in touch. You can find more information on Wyoming DEQ's perspective [here](#), and attached is a compilation of our members' concerns with the CSAPR Update modeling that were communicated during the interagency process in August 2016.

Federal Register Updates

- Rule – Air Quality State Implementation Plans; Approvals and Promulgations: 2008 Ozone National Ambient Air Quality Standards (02/03/2017) [Findings of Failure to Submit State Implementation Plan Submittals for the 2008 Ozone National Ambient Air Quality Standards (NAAQS), signed 01/13/2017. "SUMMARY: The Environmental Protection Agency (EPA) is finding that 15 states and the District of Columbia have failed to submit State Implementation Plan (SIP) revisions in a timely manner to satisfy certain requirements for the 2008 ozone National Ambient Air Quality Standards (NAAQS) that apply to nonattainment areas and/or states in the Ozone Transport Region (OTR). As explained in this action, consistent with the Clean Air Act (CAA) and EPA regulations, these findings of failure to submit establish certain deadlines for the imposition of sanctions, if a state does not submit a timely SIP revision addressing the requirements for which the finding is being made, and for the EPA to promulgate a Federal Implementation Plan (FIP) to address any outstanding SIP requirements."]
- Rule – Air Quality State Implementation Plans; Approvals and Promulgations: Interstate Transport for Utah (02/03/2017) [signed 12/12/2016]
- Rule – Air Quality State Implementation Plans; Approvals and Promulgations: Nevada; Infrastructure Requirements to Address Interstate Transport for the 2008 Ozone NAAQS (02/03/2017)

- Rule – Air Quality State Implementation Plans; Approvals and Promulgations: Utah; Revisions to Nonattainment Permitting Regulations (02/03/2017)
- Rule – Air Quality State Implementation Plans; Approvals and Promulgations: Wyoming; Interstate Transport (02/03/2017) [signed 01/17/2017]
- Notice – Environmental Impact Statements; Availability, etc.: Weekly Receipts (02/03/2017)
- Proposed Rule – Air Quality State Implementation Plans; Approvals and Promulgations: Alaska; Fairbanks North Star Borough; 2006 PM2.5 Moderate Area Plan (02/02/2017) [signed 01/18/2017]

Please let me know if there is anything we can do to help – Thanks!

Clint Woods

Executive Director

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AAPCA ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

2017 SPRING MEETING

March 27-29 | Hilton Tucson East Hotel | Tucson, Arizona

To: Sugiyama, George[sugiyama.george@epa.gov]
From: Matthew Hite
Sent: Wed 6/21/2017 8:36:56 PM
Subject: GPA Midstream Public Comments
[GPA Midstream TRI Comments.pdf](#)
[EPA EO 13777.pdf](#)

George,

Great to talk with you today. Attached are our comments on the TRI proposed rule and EPA's Regulatory Review EO 13777. Please let me know what you think when you get a free moment.

Thanks,

Matt

Matthew Hite

Vice President of Government Affairs

GPA Midstream Association

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May 15, 2017

Via e-filing on www.regulations.gov

Office of Regulatory Policy
Office of Policy
Mailcode 1803A
Attention: Docket ID No. EPA-HQ-OA-2017-0190
12000 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Comments on Executive Order 13777: Enforcing the Regulatory Reform Agenda

Dear Docket Clerk:

The GPA Midstream Association (GPA Midstream) appreciates this opportunity to submit comments on the Executive Order 13777 “Enforcing the Regulatory Reform Agenda,” reflected at 82 Fed. Reg. 12285 (March 1, 2017), and on EPA’s request for comments on “Evaluation of Existing Regulations” (82 Fed. Reg. 17793 (April 13, 2017)). GPA Midstream has served the U.S. energy industry since 1921 as an incorporated non-profit trade association. GPA Midstream is composed of early 100 corporate members of all sizes that are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as “midstream activities.” Such processing includes the removal of impurities from the raw gas stream produced at the wellhead, as well as the extraction for sale of natural gas liquid products (“NGLs”) such as ethane, propane, butane and natural gasoline. GPA Midstream members account for more than 90 percent of the NGLs produced in the United States from natural gas processing. Our members also operate hundreds of thousands of miles of domestic gas gathering lines and are involved with storing, transporting, and marketing natural gas and NGLs.

GPA Midstream commends EPA for establishing a Regulatory Reform Task Force (RRTF) to evaluate existing regulations and make recommendations regarding their repeal, replacement, or modification. Our members are directly impacted by dozens of EPA rules, and we have a long history of collaborating with EPA on rulemaking through public comments and meetings. Accordingly, we are pleased to present our comments below for consideration by the RRTF listed in general order of priority. Items 1 and 2, in particular, merit close attention by the RRTF.

GPA Midstream Association
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1. **EPA Should Repeal New Source Performance Standards (NSPS) for the Oil and Natural Gas Industry, Subpart OOOOa Since an Endangerment Determination, as Required by the Clean Air Act, was Not Made Prior to Issuance of the Rule.** On June 3, 2016, EPA promulgated NSPS OOOOa for new, modified, and reconstructed sources at oil and gas facilities. NSPS OOOOa is a very significant rule in several regards. It is the first NSPS to directly regulate methane emissions for the oil and gas industry, and it introduces a wide-ranging leak detection and repair (LDAR) program for affected well sites and compressor stations. GPA Midstream provided extensive input to EPA throughout the rulemaking process for NSPS OOOOa through its comment letter dated December 4, 2015, supplemental information provided April 15, 2016, and several meetings and teleconferences.¹ In particular, the 2015 comment letter notes that EPA must make an endangerment determination for methane emissions from the oil and natural gas sector prior to issuing regulations under Section 111 of the Clean Air Act. EPA's prior endangerment finding for the oil and gas industry did not address methane emissions. GPA Midstream also explained that many of the requirements of NSPS OOOOa—including the LDAR program—imposed regulatory costs that vastly exceeded expected benefits.

If EPA chooses not to repeal NSPS OOOOa, EPA should reference GPA Midstream's White Paper provided in February 2017, for technical revisions. After publication of the final NSPS OOOOa rule, GPA Midstream filed a petition for review and a petition for reconsideration on August 2, 2016, due to multiple issues with the final rule.² The petition for review carried forward several unresolved items from NSPS OOOO that also appear in NSPS OOOOa. GPA Midstream provided a White Paper in February 2017 summarizing its key issues in support of the Petition for Review. In addition, the 2016 Control Technique Guidelines should be suspended pending review by EPA in parallel with the review of the 2016 NSPS OOOOa rulemaking, and should be subject to the same regulatory action that results from the NSPS OOOOa regulation review.³

2. **EPA Should Rescind the Greenhouse Gas Reporting Program (GHGRP) as it applies to Oil and Natural Gas Facilities.**⁴ The GHGRP was originally promulgated in 2009 to gather information about greenhouse gas emissions from various industry segments with the stated purpose to inform future rule making. It is important to emphasize that this rule only produces reported data and provides no direct environmental benefit. Within the GHGRP, the oil and gas industry is disproportionately burdened compared to other industry segments as it is required to take physical on-site measurements and report data for numerous source types for thousands of sites. The burden was increased by orders of magnitude starting in

¹ GPA Midstream submitted Subpart OOOOa comments to EPA Docket Number EPA-HQ-OAR-2010-0505-6881 on December 4, 2015. The supplemental letter was submitted to EPA Docket Number EPA-HQ-OAR-2010-0505-7552 on April 15, 2016.

² Petition for Review filed in the U.S. Court of Appeals for the District of Columbia Circuit filed on August 2, 2016 (Case 16-1242). The Petition for Reconsideration in letter from Mr. Matt Hite (GPA Midstream) to Ms. Gina McCarthy (EPA) dated August 2, 2016.

³ Control Techniques Guidelines for the Oil and Natural Gas Industry (EPA-453/B-16-001) issued on October 20, 2016.

⁴ 40 CFR Part 98 Subparts A, C, W, MM, NN, PP and UU

2016 with the expansion to include gathering and boosting stations.⁵ Many of GPA Midstream's member companies spend hundreds of thousands of dollars each every year in order to comply with the GHGRP. Since the 2010 reporting year, EPA has gathered immense amounts of data from industry. Yet, in justifying the expansive Oil and Gas Information Collection Request (ICR)⁶ in 2016, EPA determined that GHGRP data was insufficient to support development of a rule for the oil and gas sector. This starkly contrasts with the stated purpose of the GHGRP to inform future rule decision-making. If the GHGRP cannot perform its stated purpose and creates significant burden with no direct environmental benefit, it should be rescinded.

As an alternative, EPA should significantly revise the GHGRP as it applies to the Oil and Natural Gas Industry in order to limit the cost and burden on operators.

GPA Midstream has submitted numerous rounds of comments on the GHGRP⁷, in particular Subpart W, and has several outstanding Petitions for Review⁸. Many of the comments and supplementary materials are still relevant today, as EPA has made only minimal rule changes from the information that was submitted. A simplification to Subpart W is imperative. As evidenced by the emissions data submitted annually, the emissions from the oil and natural gas industry rarely change significantly from year to year. EPA could obtain the same quality of information from inventories that are submitted at a frequency less than annually decreasing the associated cost and labor. In addition, the vast majority of emissions reported for the oil and gas sector are combustion emissions. However, this industry spends the vast majority of its time and money reporting emissions for other source types in Subpart W. Therefore, the overall cost and burden of this rule can be significantly reduced for the oil and gas industry by addressing issues as outlined in previous GPA Midstream comments and petitions.

3. **EPA Should Not Add Natural Gas Processing Plants (Gas Plants) to Toxics Release Inventory (TRI) Reporting.** On January 6, 2017, EPA published a proposed rule to add gas plants as an industrial sector covered by the reporting requirements of section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA), commonly known as the Toxics Release Inventory (TRI).⁹ The Oil & Gas Sector, specifically SIC Code 1321 (NAICS Code 211112 for Natural Gas Liquid Extraction), was not originally included as a TRI covered sector in 1987 and has not been included during the history of the TRI program. In this 30 years, neither the number of gas plants nor the chemicals expected to be present at most gas plants has significantly changed. We believe the added cost for reporting is underestimated, the reporting is duplicative to other programs, and the evidence as

⁵ 80 Fed. Reg. 64262 – 64298 (October 22, 2015)

⁶ GPA Midstream fully supports EPA's decision to withdraw the ICR.

⁷ Subpart W Gathering and Boosting Expansion comments submitted on February 24, 2015.

⁸ Petition for Administrative Reconsideration in letter from Mr. Jeff Applekamp (GPA) to Ms. Lisa Jackson (EPA) dated February 11, 2011.

Petition for Review filed in the U.S. Court of Appeals for the District of Columbia Circuit filed on January 22, 2016 (Case 15-1473).

⁹ 82 Fed. Reg. 1651 (January 6, 2017).

presented does not support the need for the expansion. GPA Midstream encourages the RRTF to review its comment letter dated May 1, 2017 for additional detail.

4. **EPA Should Develop a Streamlined Synthetic Minor Oil and Gas Permitting Mechanism Under the Tribal Lands New Source Review (NSR) Program, as Many State Agencies Have Done.** On July 1, 2011, EPA promulgated a NSR permitting program for minor sources located on Tribal Lands. EPA subsequently identified a need for a streamlined permitting mechanism for the significant number of oil and gas sites located on Tribal Lands, and accordingly promulgated a Federal Implementation Plan (FIP) registration program on June 3, 2016. Unfortunately, the FIP registration is restricted to true minor sources, leaving many proposed projects, especially in the midstream sector, with only the option of acquiring a site-specific individual synthetic minor permit. EPA's regulations provide the agency with a *year* to issue a synthetic minor permit.¹⁰ This delays and even kills some infrastructure projects or causes companies to relocate projects to surrounding areas creating an uneven playing field for the tribes. Furthermore, the delay in constructing pipeline infrastructure can increase well pad flaring thereby causing significant, unnecessary air emissions from the production sector. GPA Midstream urges the RRTF to review its comments submitted on July 21, 2014 and December 4, 2015 for additional information on streamlining NSR permitting in Tribal Lands.
5. **EPA Should Finalize its 2007 Proposed Rulemaking to Remove the Once in Always In (OIAI) Policy for Major Sources under Maximum Achievable Control Technology (MACT) Standards.**¹¹ The OIAI policy originated from a May 16, 1995, EPA memorandum, which established that a MACT major source could not later reduce its emissions to become an area source after the first substantive compliance date. On January 3, 2007, EPA proposed rulemaking to repeal the OIAI policy by allowing a MACT major source to limit its emissions sufficiently to become an area source and thus no longer be subject to major source requirements. The current OIAI policy can often add significant equipment cost and compliance burdens years after the initial emission reductions were achieved. For example, equipment, such as engines, are regularly changed at oil and gas gathering sites, and the newly added equipment should not be subjected to a burdensome regulation simply because the site housed larger emitting sources in its past.
6. **EPA Should Rescind its State Implementation Plan (SIP) Call for Startup, Shutdown and Malfunction (SSM) Rules that 36 States' Clean Air Programs Fail to Meet Clean Air Act Requirements Based on Those Plans' Allowance for Unavoidable Emissions During SSM Conditions.** On June 12, 2015, EPA published its Final Action on State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of

¹⁰ Per 40 CFR §49.158(b)(7).

¹¹ 72 Fed. Reg. 69 (January 3, 2007).

EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction.¹² EPA misapplies the legal precedent under which it claimed authority to take this Final Action, and otherwise serves to remove longstanding provisions of appropriate and necessary rules under state SIPs. State SSM rules are legally appropriate, as the Clean Air Act allows states wide discretion in fashioning their clean air plans, and the Fifth Circuit Court of Appeals has upheld EPA's past approval of SSM provisions in the Texas SIP.¹³ GPA Midstream generally supports the petitioner's arguments made in the consolidated cases challenging the SIP call that are currently pending before the D.C. Circuit, *Walter Coke, Inc. v. EPA*, D.C. Cir. Case No. 15-1166.

7. **EPA Should Reaffirm the 2008 National Ambient Air Quality Standard (NAAQS) for ozone and Reconsider the 2015 NAAQS for ozone.**¹⁴ The 2015 ozone standard was unnecessary because the 2008 ozone standard already provided an adequate margin of safety for public health, and was resulting in decreasing ozone levels. GPA Midstream references its comments that were submitted on March 17, 2015,¹⁵ and endorses the comments submitted by the American Petroleum Institute (API) on the 2015 ozone standard.
8. **EPA should conduct an advanced notice of proposed rulemaking (ANPR) on Risk Management Program (RMP) amendments.** On April 3, 2017, EPA published a proposed rule to further delay the effective date of a final RMP Amendments rule until February 19, 2019, stating that this delay would allow the EPA time to consider petitions for reconsideration of this final rule and take further regulatory action.¹⁶ GPA Midstream believes that additional regulatory changes are needed for the RMP program and urges EPA to issue an ANPR that will provide all interested parties with an opportunity to comment on the issues raised in the reconsideration petitions, notably changes in the RMP program elements involving compliance audits, emergency response drills and preparedness activities, and information sharing. Such a process will inform EPA's decision making and ensure that any proposed rule to amend the RMP program is consistent with the goals of EO 13777.
9. **EPA Should Provide Practical Relief from Technical Requirements for Air Dispersion Modeling on the 1-Hr (NO₂, SO₂) and 24-Hr (PM_{2.5}) National Ambient Air Quality Standards (NAAQS).** It has been generally recognized that air quality models used by regulatory agencies, e.g., AERMOD, are overly-conservative for the type of facilities GPA Midstream members operate. As a result, natural gas industry participants have been unnecessarily burdened during the air quality permitting process for new facilities in an effort to demonstrate compliance with the 1-Hr NAAQS for NO₂ and SO₂ or the 24-Hr NAAQS

¹² 80 Fed. Reg. 33,840 (June 12, 2015).

¹³ See *Luminant Generation Co. v. EPA*, 699 F.3d 427 (5th Cir. 2012).

¹⁴ 80 Fed. Reg. 65291 (October 26, 2015).

¹⁵ Per letter from Mr. Matt Hite (GPA Midstream) to EPA Docket Center dated March 17, 2015. Docket No. EPA-HQ-OAR-2008-0699-3742.

¹⁶ 82 Fed. Reg. 16146 (April 3, 2017).

for PM2.5. GPA Midstream members find that permit issuance can take longer than necessary, thus delaying infrastructure projects, while unnecessarily complex air quality modeling is performed. Companies may also install costly and unnecessary emission controls in order to model NAAQS compliance, and in some cases, companies are required to install costly air quality monitoring systems at new facilities. GPA Midstream recommends that significant practical relief be provided by EPA, in implementing the 1-Hr NAAQS for NO2 and SO2, and the 24-Hr NAAQS for PM2.5, so that air dispersion modeling is not required altogether for minor emitting projects and greatly simplified for larger ones.

10. **EPA Should Incorporate Alternative Emission Testing Methodology into the Standards of Performance for Stationary (NSPS) Spark Ignition Internal Combustion Engines, Subpart JJJJ to Reduce Costs.** On January 18, 2008, EPA promulgated NSPS JJJJ for stationary engines which includes, among other requirements, emissions testing for natural gas-fired engines. NSPS JJJJ bifurcated larger natural gas engines into engine that are certified by the manufacturer and non-certified engines. Non-certified engines are subject to more frequent emissions testing, adding costs for operators and compliance oversight for regulatory agencies. It is evident from reading the support documents from the January 18, 2008, final rule that EPA anticipated widespread adoption of the certification program by manufacturers. This did not happen. Very few large natural engines are certified which shifts the cost and burden of recurrent emissions testing to the end-user.
11. **EPA Should Amend MACT ZZZZ Remote Engine Status to Base Remote Status Solely on the Current Location of the Engine.** On January 30, 2013, EPA amended 40 CFR 63, Subpart ZZZZ for stationary engines which allowed engines located at “remote” sites to utilize work practice standards rather than more expensive and burdensome control requirements.¹⁷ This amendment established that in order to maintain remote engine status at an area source, the engine must have been located at a remote location on October 19, 2013 and must always be located at a remote location after this date. Stationary engines are frequently moved between midstream locations. This imposes significant burden to demonstrate that each engine currently located at a remote location has never been set at a non-remote location since 2013. As time goes by, this requirement becomes increasingly difficult as engines continue to relocate between sites and change ownership. Moreover, the underlying basis for establishing the remote status is that the site was located in minimally populated area; thus, the location history of the engine should have no impact.
12. **EPA Should Revise National Emission Standards for Hazardous Air Pollutants (NESHAP) From Oil and Natural Gas Production Facilities, Subpart HH, Specifically 40 C.F.R. §63.760(f), to Ensure Facilities that Become Major Sources Due to Change in Gas Composition Have Three (3) Years to Achieve Compliance.** Currently, the rule can

¹⁷ 78 Fed. Reg. 6674 (January 30, 2013).

be interpreted to read that facilities that become major sources are required to comply immediately, which is unrealistic and would needlessly subject these sources to compliance risks, as GPA Midstream noted in its comment letter on a EPA's recent Request for Information on MACT HH.¹⁸

EPA must revise the emission limit for small dehydrator units at major sources of Hazardous Air Pollutants (HAPs) under NESHAP Subpart HH. Based on the requirements for small dehydrator units found in 40 C.F.R. §63.765, EPA has created unreasonable destruction efficiencies for units with very low HAP content in the facility's inlet natural gas stream. This problem is especially prominent in midstream facilities. EPA must establish either an inlet gas total HAP or benzene de minimis concentration, or a dehydrator unit uncontrolled total HAP or benzene emission de minimis, below which the small glycol dehydrator would not be required to reduce emissions. GPA Midstream provided additional detail in its comment letter on EPA's recent Request for Information on MACT HH.¹⁹

13. **EPA Should Reassess the Leak Detection and Repair (LDAR) Penalty Policy and Submit it for Public Comment by Affected Stakeholders.** On November 2, 2012, EPA released Appendix VI, Leak Detection and Repair Penalty Policy which provides guidance to regulators regarding how to calculate settlement penalties for violations. The guidance assigns dollar amounts to different types of programmatic misses in an LDAR program. However, the document does not provide explanation as to the origin of these numbers which appear to be arbitrary, without technical basis, and no degree of alignment to environmental harm. Had this policy undergone a public comment process, affected stakeholders would have had the opportunity to comment on the numbers, and EPA would have been able to ensure that there was a technical basis to support its policy.
14. **EPA Should Withdraw its Next Generation Compliance Tools in Civil Enforcement Settlements Policy Memorandum.** If EPA's objective is to enhance current programs, it should first provide a public comment period for affected stakeholders. The EPA Memorandum "Use of Next Generation Compliance Tools in Civil Enforcement Settlements" was issued January 7, 2015. Similar to the LDAR penalty policy, EPA has utilized this memorandum in lieu of rulemaking to supplement current regulatory requirements and as part of enforcement settlements. The use of next generation compliance tools is an important issue and EPA should solicit comment from all interested stakeholders before determining how to use these tools in the context of settlement.

¹⁸ Per letter from Mr. Matt Hite (GPA Midstream) to Ms. Gina McCarthy (EPA) dated March 11, 2016, in regard to National Emission Standards for Hazardous Air Pollutants; Request for Information (Docket EPA-HQ-OAR-2015-0747).

¹⁹ Ibid.

15. EPA needs to provide applicants with a defined process and timeline under Section 103 of the Ocean Dumping Act to ensure predictable and manageable project schedules.

The EPA is responsible for issuing permits that allow disposal of dredge material at designated Offshore Disposal Placement Areas (ODMDS) under the Marine Protection, Research and Sanctuaries Act (MPRSA) or Ocean Dumping Act (ODA)). Section 103 specifically pertains to permits for the discharge of dredged material where the applicant can be a third party, including private oil and gas companies. Section 103 must comply with permitting regulations in 33 CFR Parts 320-330 and is evaluated by the U.S. Army Corps of Engineers. These requirements are extensive and highly technical leaving them open for interpretation. The sole guidance document, ("the Green Book") is approximately 25 years old and some EPA regions have guidance documents that assist with the decision making, while other regions don't. GPA Midstream recommends that EPA needs to develop a process that allows for fair and reasonable effort by the applicant to result in timely and predicable outcomes.

Thank you for your consideration of our comments. Please feel free to contact me if you have any further questions.

Sincerely,

Matthew Hite
Vice President of Government Affairs
GPA Midstream Association

To: Leslie Ritts[lsritts@rittsslawgroup.com]
From: Sugiyama, George
Sent: Mon 7/17/2017 11:27:54 PM
Subject: FW: Politico: EPA alters how information's gathered, 7/17/17

Did regions make a request for information and did they get approval.

From: Sorokin, Nicholas
Sent: Monday, July 17, 2017 11:04 AM
To: AO OPA OMR CLIPS <AO_OPA_OMR_CLIPS@epa.gov>
Subject: Politico: EPA alters how information's gathered, 7/17/17

Politico

<http://www.politico.com/tipsheets/morning-energy/2017/07/17/epa-changes-up-how-informations-gathered-221359>

EPA alters how information's gathered

By Anthony Adragna, 7/17/17

EPA WANTS TO ENFORCE SMARTER, NOT HARDER: In a move that former EPA officials worry could hamper enforcement of environmental rules, the agency's regional offices must now get approval from EPA headquarters before sending many types of requests for information to a company, Pro's Eric Wolff [reports](#).

Regions have traditionally had autonomy in requesting information, but now many of those, especially ones applying to companies and facilities with no history of violations, will have to be reviewed in EPA's Washington headquarters under the policy established in the spring.

"EPA is working to ... eliminating overly broad and unduly burdensome requests for information," EPA spokeswoman Amy Graham told Eric in a statement. "These changes will enable the agency to efficiently and consistently gather the information it needs to assure compliance with environmental laws."

It's a move long-sought by Sen. [Jim Inhofe](#), the former chair of the Environment and Public Works Committee whose past staffers are sprinkled throughout the agency. Inhofe has said he thinks the agency engages in too many "fishing expeditions."

Critics fear the policy is designed to curb enforcement of environmental laws. "A policy to aggregate all information requests for headquarters approval is more likely to diminish enforcement because you're going to end up with bottlenecks," said Doug Parker, EPA's former head of criminal enforcement and a 27-year veteran of the the agency. Headquarters staff will track information requests in a new database.

HEADED TO A HOUSE FLOOR NEAR YOU! House lawmakers are poised to take up a slew of energy-related measures this week after they clear the Rules Committee. First up is the Ozone Standards Implementation Act [H.R. 806 \(115\)](#), which would delay implementation of the stricter 2015 ozone standard through 2025 and lengthen the period of time between EPA's normal review of the standard from five years to 10. Rep. [Pete Olson](#)'s bill gets its day before the Rules Committee today at 5 p.m.

Also on the agenda is a bill [H.R. 218 \(115\)](#) that would authorize the transfer of federal land to Alaska to build [the state's long-sought \(and contentious\) road](#) between the isolated southwestern Alaska village of King Cove and a neighboring community with an all-weather airport.

There's also legislation [H.R. 2883 \(115\)](#) overhauling the presidential permitting process for electric, natural gas and oil projects that would shift the authority to review cross-border oil pipelines to FERC from the State Department. And there's a separate measure [H.R. 2910 \(115\)](#) aimed at streamlining approvals for interstate natural gas pipelines. The Rules Committee considers the bills Tuesday at 3 p.m.

WELCOME TO MONDAY! I'm your host Anthony Adragna, and State's Jennifer Schaming was first up to identify Holtsville, N.Y. as the holder of the nation's lowest zip code (00501). For today: What's the highest zip code in the U.S. and where is it? Send your tips, energy gossip and comments to aadragna@politico.com, or follow us on Twitter [@AnthonyAdragna](#), [@Morning_Energy](#), and [@POLITICOPro](#).

GOTTA LOOK AT THE DATE:

A draft version of the grid study sought by Energy Secretary Rick Perry says that renewable power doesn't threaten the power network's reliability, [Bloomberg](#) reported Friday evening.

Perry called for the study in April, and has said he wanted to see if Washington's policies or federal tax policy were pushing baseload power generation — like coal-fired plants — in retirement prematurely. Renewable power advocates have feared that Perry would slant the report and use it to justify efforts to support coal plants.

"The power system is more reliable today due to better planning, market discipline, and better operating rules and standards," the July draft says.

But a DOE spokeswoman said a draft of the study is outdated, and none of the phrases that Bloomberg cited were in the current version. Those draft findings are now under review by DOE leadership and the final product may come out as soon as this week.

MOVING MORE SPENDING PACKAGES: Congress takes another crack at advancing spending measures this week with the full House Appropriations Committee [marking up](#) its Interior and EPA package Tuesday at 10:30 a.m. Across the way, a Senate Appropriations subpanel [inks up](#) its Energy and Water package Tuesday at 2:30 p.m. ahead of full committee consideration Thursday at 10:30 a.m.

CAP AND TRADE'S CRUCIAL DAY IN CALI: Lawmakers in California are slated today to cast their votes on whether to extend California's cap and trade program through 2030. The Business Council for Sustainable Energy sent [a letter](#) Friday endorsing the extension and urging the legislature to "swiftly act" on the measure.

But a number of major environmental advocates voiced opposition, arguing the measure gave too many concessions to the oil industry. "California can do better," Masada Disenhouse with 350.org said in a statement. "This plan has Big Oil's fingerprints all over it and doesn't do enough to protect vulnerable communities or to achieve California's ambitious targets for

reducing carbon pollution.” The Los Angeles Times has a good look at the state-of-play on the bill [here](#).

FORMER SUZUKI EMPLOYEE GUILTY OF MISLEADING EPA: Wayne Powell, a former Suzuki analyst, pled guilty to submitting false reports on vehicle emissions to EPA and therefore enabling thousands of violations of the Clean Air Act on model year 2012 motorcycles, DOJ [announced](#). He faces up to two years in prison and a maximum fine of \$250,000.

ZINKE VISITS ANOTHER MONUMENT: After taking two monuments off his review list, Interior Secretary Ryan Zinke [headed to](#) Oregon on a beautiful Saturday to look at the Cascade Siskiyou National Monument. He [hiked with](#) BLM employees and met with advocates of keeping the monument, [huddled](#) with snowmobile industry peeps and [talked with](#) timber industry representatives.

Energy and Commerce Committee Chairman Greg Walden [hosted](#). Both of the state’s Democratic senators — [Ron Wyden](#) and [Jeff Merkley](#) — have staunchly opposed altering the monument. On Sunday, Zinke’s Twitter [feed](#) included posts about meeting with [Oregon Gov. Kate Brown](#) and references to his “[delish burrito](#)” for lunch.

EDF ADS HIT PRUITT! EDF Action is launching a million dollar ad campaign targeting House GOP lawmakers for not combating deep cuts to EPA’s budget. Targets include: [Martha McSally](#), [Mike Coffman](#), [Jason Lewis](#), [Barbara Comstock](#), [David Valadao](#), [Mark Amodei](#), [Ann Wagner](#), [Mario Diaz-Balart](#), [Tom Rooney](#) and [Ken Calvert](#). Watch the ads [here](#) and [here](#).

WHO KNOWS! French President Emmanuel Macron told a French newspaper Sunday he thinks he may have swayed Trump into returning to the Paris accord in the months ahead, according to [Reuters](#). “(Trump) told me that he would try to find a solution in the coming months,” Macron told Le Journal du Dimanche. “We spoke in detail about the things that could make him come back to the Paris accord.” But Trump’s Homeland Security Adviser Tom Bossert said the topic of climate change was not a major topic of conversation or awkward subject. “We didn’t discuss any climate issues in the extended bilateral conversation that I attended,” Bossert told reporters on Air Force One. “And the topic didn’t chill or affect or any way come up verbally or through nonverbal cues in our conversations.”

ILLINOIS JUDGE SIDES WITH NUCLEAR:

The nuclear power industry racked up a legal win on Friday when a district court judge in Illinois agreed to dismiss a lawsuit against the state's zero-emissions credit program lawmakers passed last year.

The program — estimated to cost consumers \$235 million a year over ten years — was created to prop up two money-losing nuclear plants Exelon Corp. threatened to close, which drew multifaceted challenges from consumers and non-nuclear electricity generators in the region. But District Judge Manish Shah said that it wasn't the judiciary's role to instruct state regulators how to tailor their program for state-federal balance, and left the matter in the hands of FERC, despite its lack of a leadership quorum.

Shah noted that complaints about the program were filed with FERC several months ago but, in a footnote, stated "FERC's current paralysis does not change the structural limitations on judicial power." Given how big a threat other power generators view the program, expect this to go up to the 7th Circuit Court of Appeals.

WHAT'S NEXT FOR METHANE RULE? After federal appeals judges placed a stay of EPA's methane rule back on for two weeks, the agency has a couple of options, Pro's Alex Guillén reports in Energy Regulation Watch. It could seek a rehearing before the original three judges, though at least one judge would have to change their mind, or the agency could try for an en banc review, but that process takes a while.

Arguably more important is what the court's decision signals for other efforts to roll back Obama-era rules. Each case has slightly different legal arguments depending on the statute and how exactly the agency is going about a delay, but the D.C. Circuit's ruling is warning sign to Pruitt that he won't coast by in court challenges to their actions.

-

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To: lsritts@rittslawgroup.com[lsritts@rittslawgroup.com]
From: Sugiyama, George
Sent: Fri 3/3/2017 9:41:33 PM
Subject: Fwd: meeting on March 23 around noon.

Sent from my iPhone

Begin forwarded message:

From: "Schnare, David" <schnare.david@epa.gov>
Date: March 3, 2017 at 2:40:20 PM EST
To: "Sugiyama, George" <sugiyama.george@epa.gov>
Subject: RE: meeting on March 23 around noon.

I'll do it, but I'll need talking points. Can you have someone work some up?

d.

From: Sugiyama, George
Sent: Friday, March 3, 2017 2:28 PM
To: Schnare, David <schnare.david@epa.gov>
Subject: meeting on March 23 around noon.

I have been asked to inquire about your availability on March 23 to speak to a group call NEDA (National Environmental Development Association) . It is an over 30 year old group of companies which pursue an eclectic variety of environmental issues, mostly air issues. As a heads up the general counsel Ex. 6 - Personal Privacy Leslie Sue Ritts. But I am doing this on behalf of their President Al Collins, VP Occidental Petroleum. Invited attendees which have accepted include , Proctor and Gamble, Eli Lilly, BP America, Merck & c0mpany, Koch Public Sectors, Boeing, Phillips 66, Georgia Pacific, and on the phone Boeing folks from Washington DC. Based on past meetings it is expected that 5-6 more will attend.

The meeting is on March 23 at Occidental offices at 1701 Pennsylvania. Ave. and the time slot is between 10-1, to give you some latitude. The talk is expected to be 45 min to 1 hour.

Topics would be Clean Air Act transition issues: ozone NAAQS implementation and background/international ozone transport, refrigerants as part of the Obama Climate Action Plan, permitting reform and streamlining (the entire gamut of Bush era rulemakings like help with debottlenecking, fugitives, project netting), the “once in” policy and the regional consistency rule that EPA reversed after the D.C. Circuit told them to enforce it.

A positive response would be most appreciated. Thank you

George

To: Leslie Ritts[lsritts@rittslawgroup.com]
From: Sugiyama, George
Sent: Tue 2/28/2017 8:45:52 PM
Subject: RE: NEDA/CAP Meeting on March 23 am

I am asking david Schnare. Hewill know moreabout these things.

From: Leslie Ritts [mailto:Ex. 6 - Personal Privacy] **On Behalf Of** Leslie Ritts
Sent: Sunday, February 26, 2017 4:39 PM
To: Sugiyama, George <sugiyama.george@epa.gov>
Subject: NEDA/CAP Meeting on March 23 am

George, Let me know how you think I should approach Don Benton re speaking to NEDA on the morning of March 23 anytime between 10-1 (11 am would be best or lunchtime). Should I have the invite come from Occidental since that's whose offices we are meeting in (1701 Penn. Ave. (17th and Penn. diagonally across from the White House).

Or Boeing? (I believe he has two Boeing plants in his district.)

Topics would be Clean Air Act transition issues: ozone NAAQS implementation and background/international ozone transport, refrigerants as part of the Obama Climate Action Plan, permitting reform and streamlining (the entire gamut of Bush era rulemakings like help with debottlenecking, fugitives, project netting), the "once in" policy and the regional consistency rule that EPA reversed after the D.C. Circuit told them to enforce it.

The people whom have RSVP'd already include—

Al Collins, VP Occidental Petroleum Corporation

Maxine Dewbury, Procter & Gamble Co.

Jen Kreusch and Catherine Ellhard or Don Robin, Eli Lilly & Company

David Van Hoogstraten DC and Dana Woods Houston, BP America

Anu Kunapuli, Merck & Co.

Rob Kaufmann and Steve Lomax, Koch Public Sectors

Peter Pagano, VP EHS Relations, Boeing DC (Other Boeing people like Matt Iwicki and Dave Shanks from Washington State on the phone)

Dave Pavlich, Phillips 66

Brian Gesser, Georgia Pacific

I am pretty sure that we can plan on 5-6 others.

Thanks,



Leslie Sue Ritts

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Ex. 6 - Personal Privacy (cell)

lsritts@rittslawgroup.com

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